

- c) The instant claims, if amended as proposed, avoid the rejection thereof under 35 USC 102(e), as set forth in the final office action; and thus the present amendment will place the instant application in condition for allowance (MPEP 714.13).
- d) It is believed that the instant claims, if amended as proposed, do not present any new issues requiring further consideration or search by the examiner, and they do not raise the issue of new matter under 37 CFR 1.121(a)(6) (MPEP 714.13).

IN THE CLAIMS

Amend the claims as follows:

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5. A process for producing [the composition defined in claim 7,] a pharmaceutical composition comprising
at least one multiparticulate phase;
a matrix phase; and
at least one pharmaceutically active drug or vitamin as active ingredient present
in at least one of said phases; which process comprises plasticizing a mixture of the components of the matrix phase by energy input, incorporating at least one other phase in the form of particles homogeneously into the matrix phase during or after the plasticization, and in the absence of water, and subsequently shaping the material while still plastic.

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7. (amended) A pharmaceutical composition comprising

at least one multiparticulate phase;

a matrix phase; and

at least one pharmaceutically active drug or vitamin as active ingredient present
in at least one of said phases,

[wherein the at least one multiparticulate phase is incorporated into the matrix

phase while the matrix phase is in a plastic state, and in the absence of water]

which pharmaceutical composition is the product of the process of plasticizing a mixture
of the components of the matrix phase by energy input, incorporating at least one other
phase in the form of particles homogeneously into the matrix phase during or after the
plasticization, and in the absence of water, and subsequently shaping the material
while still plastic.

~~Add the following new claim:~~

-- 12. The composition of claim 7 in which the matrix phase consists essentially of
one or more components ~~selected from the group consisting of a homo- or copolymer of~~
~~N-vinylpyrrolidone, a cellulose ether, an acrylate- or methacrylate-containing polymer,~~
~~polylactic acid or a copolymer thereof, a poly(ortho)ester, a sugar alcohol and a mono-~~
~~or disaccharide.--~~

REMARKS

New claim 12 is directed to a preferred embodiment of the invention which is